

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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MICHAEL S. HARTLEY,

Plaintiff,

v.

1:24-cv-925  
(ECC/PJE)

UNITED STUDENT RENTALS, et al.,

Defendants.

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Michael S. Hartley, *Plaintiff, pro se*

**Hon. Elizabeth C. Coombe, United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff pro se Michael S. Hartley filed this action alleging, violations of Civil Rights specifically citing the First, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, in violation of, 42 U.S.C. § 1983. Dkt. No. 1. This matter was referred to United States Magistrate Judge Christian F. Hummel who, on January 3, 2025, issued a Report-Recommendation recommending that the following claims be dismissed without prejudice and with opportunity to amend: (1) claims under 42 U.S.C. § 1983 and the liberally-construed claims under the Fair Housing Act and under state law for breach of the warranty of habitability. Dkt. No. 10. Magistrate Judge Hummel advised Plaintiff that under 28 U.S.C. § 636(b)(1), he had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. *Id.* at 19–20. Plaintiff did not file an objection to the Report-Recommendation.

As no objection to the Report-Recommendation has been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See*

*Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby

**ORDERED** that Magistrate Judge Hummel’s Report-Recommendation, Dkt. No. 10, is **ADOPTED**; and it is further

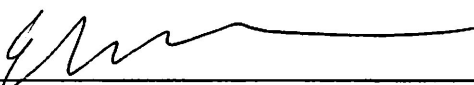
**ORDERED** that Plaintiff’s claims in the complaint, Dkt. No. 1, under 42 U.S.C. § 1983 and the liberally-construed claims under the Fair Housing Act and under state law for breach of the warranty of habitability are **DISMISSED without prejudice** and with opportunity to amend; and it is further

**ORDERED** that any amended complaint must comply with the directions in the Report-Recommendation, and if Plaintiff fails to file an amended complaint within 30 days of the date of this Order, the Clerk of the Court will close this case without further order of the Court; and it is further

**ORDERED** that the Clerk serve a copy of this Order on Plaintiff in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: February 7, 2025  
Syracuse, New York

  
Elizabeth C. Coombe  
U.S. District Judge